

REMARKS

The applicant has had an opportunity to carefully consider the Examiner's Office Action of March 22, 2004 and believes this amendment is fully responsive to every point raised by the Examiner. Reconsideration of the application, as amended is respectfully requested. The application will include claims 1-12 and 15-22 after this amendment is entered.

THE OFFICE ACTION:

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,384,822 to Brown et al. (Brown) in view of U.S. Patent No. 6,549,918 to Probert, Jr. et al. (Probert, Jr.)

Claims 13 and 14 were not entered from a previous response after final rejection filed on June 22, 2004.

THE ART REJECTIONS:

Claims 1-12 Patentably Distinguish over Brown in View of Probert, Jr.

The Examiner has rejected claims 1-12 under 35 U.S.C. §103(a) for obviousness over the combination of Brown and Probert, Jr. Brown discloses a test facility that includes a local personal computer (PC) 20, digital telephones 24, analog telephones 26, and interface devices 28 for the analog telephones. The local PC 20 communicates with the digital telephones 24 and interface devices 28 via communication lines 22. The digital telephones 24 are connected to a first line unit 12 of a digital switch 10. The interface devices 28 are connected to a second line unit 14 of the digital switch 10. The local PC 20 can control the digital telephones 24 and interface devices 28 to generate calls and utilize features in accordance with a user definable program. The digital telephones 24 and interface devices 28 respond to status inquiry messages from the local PC 20 with reply messages that represent the status of telephone parameters. (see FIG. 1, col. 2, line 43 – col. 3, line 2) In support of the rejection of claim 1, the Examiner states that Brown discloses "receiving raw switch data output from a digital switch." The applicant respectfully disagrees because the Brown test facility merely receives data from its own devices (i.e., digital

telephones 24 and interface devices 28) which exercise the digital switch by generating and receiving calls through the switch. While the Brown test facility can be used to test operation of the digital switch, it does not include "receiving raw switch data from a digital switching system" as recited in amended claim 1. Accordingly, based on the forgoing reasons, the applicant respectfully submits that independent claim 1 and claims dependent thereon (claims 2-6, 9, and 10) are currently in condition for allowance.

Moreover, amended claim 1 now recites "wherein the raw switch data is stored by the digital switching system in a switch database." Brown does not disclose the use of a database in the digital switching system as recited in amended claim 1. Thus, for these additional reasons, the applicant respectfully submits that independent claim 1 is currently in condition for allowance. We note that this amendment was proposed to the Examiner in the September 8 telephone interview.

Similarly, amended claim 7 recites "a data receiver adapted to receive raw switch data from a digital switching system." Thus, for the same reasons as stated above for amended claim 1, amended claim 7 is distinguished from Brown. Accordingly, the applicant respectfully submits that independent claim 7 and claims dependent thereon (claims 8, 11, and 12) are currently in condition for allowance.

Moreover, amended claim 7 now recites "wherein the raw switch data is stored by the digital switching system in a switch database." Thus, for the same additional reasons as stated above for amended claim 1, amended claim 7 is distinguished from Brown. Accordingly, the applicant respectfully submits that independent claim 7 is currently in condition for allowance. We note that this amendment was proposed to the Examiner in the September 8 telephone interview.


CONCLUSION

In view of the above amendments and remarks, the applicant submits that the present application is in condition for allowance. Notice of such allowance is hereby respectfully requested.

Respectfully submitted,

FAY, SHARPE, FAGAN
MINNICH & McKEE, LLP

Date: 21 September 2004


Alan C. Brandt, Reg. No. 50,218
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2518
(216) 861-5582

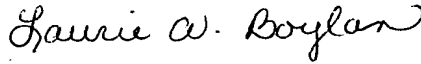
ACB/lab

CERTIFICATE OF MAILING

I certify that this Amendment C is being

- ☐ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: MAIL STOP , Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile under 37 C.F.R. § 1.8 on the date indicated below.
- ☒ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP - RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.: EL 964454998 US
Date September 21, 2004

Signature 
Printed Name Laurie A. Boylan

N:\LUTZ\200156\LAB0002769V001.doc